

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DAVID E. JERMANY,**

**Plaintiff,**

**v.**

**UNITED STATES POSTAL SERVICE,**

**Defendant.**

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**Civil Action No. 3:11-CV-3468-D**

**ORDER**


After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Accordingly, plaintiff's claims under the Health Insurance Portability and Accountability Act and Labor-Management Reporting and Disclosure Act are dismissed *sua sponte* without prejudice for lack of subject matter jurisdiction. Because plaintiff has not timely filed an amended complaint as allowed by the magistrate judge's recommendation, defendant's February 17, 2012 motion to dismiss is granted with respect to his claims under the Rehabilitation Act and the Fair Labor Standards Act, and the claims are dismissed with prejudice. Defendant's alternative motion for a

more definite statement is denied without prejudice as moot.

**SO ORDERED.**

August 30, 2012.

  
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SIDNEY A. FITZWATER  
CHIEF JUDGE